

08/20/01 JC20 Rec'd PCT/PTO 16 AUG 2001

09/913881

Attorney Docket No: ESTC-004/01US

PATENT

Express Mail Label Number: EL514036573US  
Date of Deposit: August 16, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents and Trademarks and Trademarks, Washington, DC 20231.

Date:

16 Aug 2001

By:

Vikki L Athen  
Vikki Athen

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED (or ELECTED) OFFICE**

Applicant: BERTOLERO, Arthur A., BERTOLERO, Raymond S., and RIEBMAN, Jerome B.

International Application No. PCT//US00/04374

Filing Date: February 18, 2000

Title of Invention: MULTICHANNEL CATHETER WITH OBTURATOR

Priority Claimed February 19, 1999

1. Applicant herewith submits the following items under 35 USC 371 an express request to immediately begin national examination procedures (35 USC 371(f)).
2. Copy of the International application (35 USC 371(c)(2)):
  - ☐ is transmitted herewith.
  - ☒ is not required as the application was filed with the United States Receiving Office.
  - ☐ has been transmitted by the International Bureau. Date of mailing of the application (from form PCT/IB/308) is .
  - ☐ has been transmitted by applicant on .
3. Translation of the international application into the English language (35 USC 371(c)(2)):
  - ☒ is not required as the application was filed in English.
  - ☐ is transmitted herewith.
  - ☐ was previously transmitted by applicant on .
4. Amendments to the claims of the international application under PCT Article 19 (35 USC 371(c)(3)):

- ☐ are transmitted herewith.  
☐ have been transmitted  
☐ by the International Bureau. Date on: .  
☐ by applicant on .  
☒ have not been transmitted as  
☐ no notification has been received that the International Search Authority has received the Search Copy.  
☐ the Search Copy was received by the International Searching Authority but the Search Report has not yet been issued. Date of Receipt of Search Copy (from form PCT/ISA/202):  
☒ applicant chose not to make amendments under PCT Article 19. Date of mailing of Search Report (from form PCT/ISA/210): November 6, 2000.  
☐ the time limit for the submission of amendments has not yet expired. The amendments or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.
5. Translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)):
- ☐ is transmitted herewith.  
☐ is not required as the amendments were made in the English language.  
☒ has not been transmitted for reasons indicated at paragraph 4 above.
6. Executed oath or declaration of the inventor (35 USC 371(c)(4)) complying with 35 USC 115:
- ☐ was previously submitted by applicant on .  
☒ is submitted herewith and such oath or declaration  
☐ is attached to the application.  
☒ identifies the application and any amendments under PCT Article 19 which were transmitted as stated above; and states that they were reviewed by the inventor as required by 37 CFR 1.70.
7. International Search Report or Declaration under PCT Article 17(2)(a):
- ☐ is transmitted herewith.  
☐ has been transmitted by the International Bureau. Date of mailing (from form PCT/IB/308):  
☒ is not required as the application was searched by the United States International Searching Authority.  
☐ will be transmitted promptly upon request.  
☐ has been submitted by applicant on .  
☐ is not transmitted as the international search has not yet issued.
8. Information Disclosure Statement under 37 CFR 1.97 and 1.98:

- ☐ was previously submitted by applicant on .
- ☐ is transmitted herewith.
- ☒ will be transmitted within three months of the date of submission of requirements under 35 USC 371(c).

9. A Verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27:

- ☒ is transmitted herewith.
- ☐ was previously submitted by applicant on .

10. The above checked items are being transmitted:

- ☐ before the publication of the international application.
- ☐ after publication and the Article 20 communication but before 20 months from the priority date.
- ☐ after 20 months but before 22 months (surcharge and/or processing fee included).
- ☐ after 22 months (surcharge and/or processing fee included).
- ☒ by 30 months and a proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
- ☐ after 30 months but before 32 months (surcharge and/or processing fee included) and International Preliminary Examination was properly requested.
- ☐ after 32 months (surcharge and/or processing fee included).

11. Certain requirements under 35 USC 371 were previously submitted by the applicant on namely:

12. Other document(s) or information included:

- ☒ Power of Attorney by Assignee
- ☒ Assignment and Recordation form.

13. Fee calculation:

- ☒ Basic National Fee (37 CFR 1.492(a)(1)-(4)):
- ☒ International preliminary examination fee paid to USPTO (37 CFR 1.492(a)(1)) (\$345 or \$690).
- ☐ No international preliminary examination fee paid to USPTO but international search fee paid to USPTO (37 CFR 1.492(a)(2)) (\$355 or \$710).
- ☐ Neither international preliminary examination fee nor international search fee paid to USPTO (37 CFR 1.492(a)(3)) (\$500 or \$1000).

- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.492(a)(4)) and all claims satisfied provisions of PCT Article 33(1) to (4) (\$50 or \$100).
- ☐ Neither international preliminary examination fee nor international search paid to USPTO but application filed with EPO or JPO search report (37 CFR 1.492(a)(5)) (\$430 or \$860).

**Total Basic National Stage Fee** **\$345.00**

- ☒ Additional U.S. National Fee (35 USC 371(c)(1)) as follows:

FOR:	Claims Filed                      Extra Claims <sup>1</sup>			Small Entity Rate      Fee		Other Than a Small Entity Rate      Fee		Total Filing Fee
Total Claims	20	-20=	0	\$9		\$18		\$0.00
Independent Claims	5	-3=	2	\$40		\$80		\$80.00
Multiple Dependent Claims Presented				\$135		\$270		\$0.00
TOTAL								\$80.00

<sup>1</sup> If difference is negative, enter "0".

- ☒ Other fees as follows:

- ☒ Assignment Recordation **\$40.00**
- ☐ Surcharge for furnishing the oath or declaration later than 20 months from any claimed priority date or later than 30 months and International Preliminary Examination was properly requested (37 CFR 1.492(e)).
- ☐ \$65.00 for a small entity
- ☐ \$130.00 for other than a small entity
- ☐ Processing fee of \$130.00 for furnishing the English Translation later than 20/30 months from any claimed priority date (37 CFR 1.492(f)).

**TOTAL FEES** **\$465.00**

14. ☒ Payment of Fees

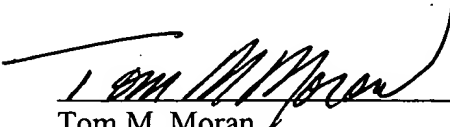
- ☒ A check in the amount of \$465.00 to cover the above fees is enclosed.
- ☐ Fees will be paid at a later time.

[X] The Commissioner is hereby authorized to charge underpayment of required fees under 37 CFR 1.16 or 37 CFR 1.17 associated with this communication or to credit any overpayment to Deposit Account No. 03-3117.

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Respectfully submitted,  
COOLEY GODWARD LLP

By:

  
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Applicant or Patentee: BERTOLERO, Arthur A. et al.

Serial No.: Not yet Assigned

Patent No.:

Filed: Herewith

Issued:

Based on: PCT/US00/04374

Filed: February 18, 2000

For: MULTICHANNEL CATHETER WITH OBTURATOR

**ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS UNDER  
37 C.F.R. §1.27 - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Endoscopic Technologies, Inc.  
Address of Small Business Concern: 4135 Blackhawk Plaza Circle  
Suite 150  
Danville, CA 94506

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121 for purposes of paying reduced fees under 35 U.S.C. §§41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both;

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled \_\_\_ and described in:

- ☐ the specification filed herewith;  
☒ the application identified above; or  
☐ the patent identified above;

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.27(a)(2) and 13 C.F.R. §121 or a nonprofit organization under 37 C.F.R. §1.27(a)(3):

\*NOTE: Please obtain separate Assertions of Entitlement to Small Entity Status from each named person, concern or organization having rights to the invention averring to their status as small entities.

Name:  
Address:

☐ Individual    ☐ Small Business Concern    ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.27(g))

Signature

Date

Name of Person Signing

Title of person other than owner

Address of person signing

Arthur A. Bartolero  
8/14/01  
Arthur A. Bartolero  
President & CEO.  
155 Sunhaven Rd, Danville, CA  
94506.